

**Notice of Allowability**

Application No.	Applicant(s)
09/960,629	FORD, GORDON D.
Examiner	Art Unit
Hung X Dang	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 2/15/03.
2.  The allowed claim(s) is/are 1-35.
3.  The drawings filed on        are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No.       .
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received:       .

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
(a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
    1)  hereto or 2)  to Paper No.       .  
(b)  including changes required by the proposed drawing correction filed       , which has been approved by the Examiner.  
(c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No.       .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1  Notice of References Cited (PTO-892)  
3  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
5  Information Disclosure Statements (PTO-1449), Paper No.       .  
7  Examiner's Comment Regarding Requirement for Deposit  
    of Biological Material

2  Notice of Informal Patent Application (PTO-152)  
4  Interview Summary (PTO-413), Paper No.       .  
6  Examiner's Amendment/Comment  
8  Examiner's Statement of Reasons for Allowance  
9  Other



Hung X Dang  
Primary Examiner  
Art Unit: 2873

### **Reasons For Allowance**

1. The following is an Examiner's Statement of Reasons for Allowance:

There was no prior art found by the examiner that suggested modification or combination with the cited prior art so as to satisfy the combination of the present independent claims 1, 14 and 22; especially, the prior art does not discloses a detail and structural interrelationship between the illumination source for providing illumination in the infrared portion of the electromagnetic radiation spectrum, the illumination source for providing illumination in the visible portion of the electromagnetic radiation spectrum, the detector and the lens focusing system as recited by claims 1, 14 and 22.

The prior art fails to teach a combination of all the claimed features as present in independent claim 6, which include at least one lens capable of focusing at least two different sets of wavelengths of light from a scene onto a detector by altering the distance from said at least one lens to said detector as recited in claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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2. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (703) 308-0550.

12/03



Hung X. Dang

Primary Examiner

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